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AMENDMENT / RESPONSE TRANSMITTAL

Applicants : Masanori Takahashi et al.
App. No : 10/714,759
Filed : November 17, 2003
For : AIR INTAKE DEVICE FOR ENGINE
Examiner : John Kwon
Art Unit : 3747

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

March 7, 2005

(Date)

Michael A. Guiliana, Reg. No. 42,611

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

- (X) Response to Restriction Requirement in 2 pages.
- (X) Return prepaid postcard.
- (X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Michael A. Guiliana
Registration No. 42,611
Attorney of Record
Customer No. 20,995
(949) 760-0404

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant : Masanori Takahashi et al.) Group Art Unit 3747
)
 Appl. No. : 10/714,759)
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Michael A. Guillian, Reg. No. 42,611

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement dated February 8, 2005, Applicants elect Group II (Claims 9-20) for prosecution in the present application.

The present election is being made with traverse. Applicants submit that it is well established that:

If the search and examination of an entire application can be made without **serious burden**, the examiner **must** examine it on the merits, **even though it includes claims to independent or distinct inventions.**

M.P.E.P. § 803 (emphasis added).

The non-elected Group is directed to a throttle body for an engine and the elected Group is drawn to an engine with an air metering device (such as the throttle body of Claim 1). A proper search for art related to the elected Group would necessarily include the classes and subclasses relevant to a search for the non-elected Group. Thus, examination of all the claims would not present "a serious burden" on the Examiner.

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Applicants therefore respectfully request that the present restriction requirement be withdrawn.

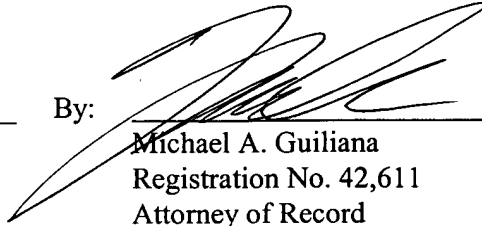
Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

3/7/05

By: _____



Michael A. Guiliana
Registration No. 42,611
Attorney of Record
Fourteenth Floor
2040 Main Street
Irvine, CA 92614
(949) 760-0404

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